

Before the  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Federal-State Joint Board on  
Universal Service

CS Docket No. 96-45

**DOCKET FILE COPY ORIGINAL**

**COMMENTS OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS  
TELECOMMUNICATIONS & ENERGY COMMITTEE  
HONORABLE ALBERT VANN, CHAIRMAN**

Hon. Albert Vann, member  
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December 19, 1996

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**COMMENTS OF THE NATIONAL BLACK CAUCUS OF STATE  
LEGISLATORS TELECOMMUNICATIONS & ENERGY COMMITTEE  
HONORABLE ALBERT, VANN CHAIRMAN**

The National Black Caucus of State Legislators (NBCSL) is a non-profit organization headquartered in Washington, DC dedicated the development and promotion of educational, research and training programs designed to enhance the effectiveness of African American state officials as they consider legislation and issues of public policy that impact directly or indirectly on the constituents of their respective states. Founded in 1977 by 90 African-American state legislators at a meeting in Nashville, Tennessee, today the National Black Caucus of State Legislators (NBCSL) represents 450 members in 42 states and the US Virgin Islands.

In the wake of the Federal Telecommunications Act of 1996, I have attempted to discharge my role as Chairman of the Telecommunications and Energy committee of NBCSL by assisting the membership in the development of policy guidelines for African American state legislators and/or commissioners in:

**--helping to define the overall state responsibilities and areas of cooperation with the Federal Government**

**--advising the most effective policy for the Federal Universal Service design**  
**--formulating an effective and comprehensive cooperative role for state universal service policies in our respective states**

To that end, I have convened a number of policy forums that have afforded the membership to weigh the various issues that face us generally and African Americans in particular. As a result, the National Black Caucus of State Legislators has passed a resolution that specifically outlines the key issues that must be addressed in the final rule and order on Universal Service in an era of competition.

The resolution in the result of many months of discussion and input from a variety of sources genuinely interested in the key issues that face us all. As a document we are

convinced that it provides a clear path for robust competition while insuring that our entire population continues to have access to current and future telecommunications services.

I would like to add that there is some concern that the Joint Board did not directly address telecommunications services for health care facilities in distressed urban areas. It is critical that the Commission remedy that oversight.

**SERVICE LIST FCC PROCEEDINGS**

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WHEREAS, the Federal Telecommunications Act of 1996 has rendered an historic change in the overall regulation of the telecommunications industry; and

WHEREAS, there is continuing need for regulatory oversight to insure access to telecommunications services to all communities.

THEREFORE BE IT RESOLVED BY THE 20TH ANNUAL LEGISLATIVE CONFERENCE OF THE NATIONAL BLACK CAUCUS OF STATE LEGISLATORS (NBCSL), ASSEMBLED IN BILOXI, MISSISSIPPI, DECEMBER 1-7, 1996 That the National Black Caucus of State Legislators, supports regulatory oversight that recognizes that during the transition from monopoly to competition:

- Regulation should reflect market condition--relaxation should occur only where is real competition
- The change from implicit to explicit subsidies should occur only as real competition takes place in local service
- Regulators must continue to address less than universal service in low income communities--policies that depress telephone penetration rates in low income communities should be identified and eliminated
- Regulators should strictly enforce service quality requirements, identify chronic service problem spots and areas that suffer from lack of modernization. Where service quality is part of agreements for alternative rate regulation, failure to comply should be addressed quickly, with the state legislature duly informed

BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators in recognition of the importance of modernization of the telecommunications infrastructure to access to advanced information services for all communities:

- Benchmarks should be established to evaluate modernization of the network by all competitors in all markets. Universal Service funds should be prioritized to provide access to advanced services in all communities in a technologically neutral fashion
- Underserved communities will be included in the evolving menu of advanced services eligible for expanding universal service considerations
- Universal service funds should be applied on a needs based formula. Ubiquitous availability is a priority as advanced services become a part of an evolving universal service fund

1 BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators in  
2 recognition of the eventual competitive environment in the telecommunications  
3 recognized that support mechanisms to preserve public policy goals should:  
4

- 5 • Access funds for network upgrades or provision of service should be available to all  
6 qualified competitors, including minority firms willing to provide service
- 7 • Regulators should assess capability of all providers to serve disadvantaged  
8 communities, prevent market abandonment, and insure that poor communities are not  
9 victimized by marginal competitors
- 10 • Regulators should have maximum flexibility to set interconnection rates that  
11 ultimately encourage facilities based competition

12  
13 BE IT FURTHER RESOLVED, that the National Black Caucus of State Legislators  
14 believes that consumer outreach becomes more critical with competitors offering  
15 services. Regulators cannot rely on competitive market strategies to properly inform the  
16 public

17  
18 PROPOSED RESOLUTION SUBMITTED BY: Assemblyman Al Vann, NY

19  
20 RESOLUTION APPROVED, WEDNESDAY DECEMBER 4, 1996 or THURSDAY,  
21 DECEMBER 5, 1996 BY the Committee on Telecommunications and Energy

22  
23 APPROVAL CERTIFIED BY: Assemblyman Al Vann, NY, Chair